IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE FIRST DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 7118 of 2005

Between:

Md.Ghouse E-280480, Driver, Gadwal Depot, s/o Basheerahmad,

R/o Gadwal, Mahabubnagar District.

..... PETITIONER

AND

1. The APSRTC rep., by its depot Manager, Gadwal,

Mahabubnagar.

2 The Regional Manager, APSRTC, Mahaboobnagar, Mahaboobnagar District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an order or direction more particularly one in the nature of writ of MANDAMUS declaring the action of the respondents herein in not granting the selection grade scale, Stagnation increments to the petitioner on completion of 12 years service on the ground that he is not in service as on the date of eligibility, though he was reinstated in pursuance of the award is illegal, unjust and arbitrary, contrary to well established principles of law and as such set aside the same by directing the respondents herein to add the stagnation increment to the petitioner on completion of 12 years of service from the date of initial appointment in the year 1991 and to pay the arrears by re-fixing the pay of the petitioner forthwith and to pass such other order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case.

Counsel for the Petitioner:MR.S.M.SUBHAN

Counsel for the Respondents: MR.P.VINAYAKA SWAMY

The Court at the admission stage made the following O R D E R:

THE HON'BLE MR JUSTICE K.C. BHANU

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WRIT PETITION No.7118 OF 2005

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O R D E R:

This writ petition is filed questioning the action of the respondents in not granting Selection Grade Stagnation Increments to the petitioner from the completion of 12 years service.

The petitioner is working as driver in the respondent-corporation. He contends that after completion of 12 years of continuous service, he is entitled for Selection Grade Stagnation Increment. The grievance of the petitioner is that the respondents did not take any steps to release the Special Grade Stagnation Increment to the petitioner and, hence, he approached this Court seeking a direction to the respondents to pass appropriate orders regarding the Selection Grade Stagnation Increment. Respondents did not deny the eligibility of the employees who have completed 12 years of continuous service for the Selection Grade Stagnation Increment.

In the light of the circumstances, respondents are directed to pass appropriate orders regarding the release of the Selection Grade Scale Increment to the petitioner, keeping in view the judgment of a Division Bench of this Court in W.A.No.1301 of 2000 dated 29.10.2002, within a period of two months from the date of receipt of a copy of this order and communicate the same to the petitioner. The respondents shall take into consideration the continuity of service granted by the Tribunal while awarding stagnation increments.

Accordingly, the writ petition is disposed of. No order as to costs.

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(K.C.BHANU,J)

Dt:1st April, 2005

usd

To

1. The Depot Manager, APSRTC, Gadwal,

Mahabubnagar.

2 The Regional Manager, APSRTC, Mahaboobnagar,

Mahaboobnagar District.

3 Two CD copies.